

LA UNION DEL PUEBLO  
ENTERO, et al.,  
Plaintiffs,  
  
v.  
  
GREGORY W. ABBOTT, et  
al.,  
Defendants,  
  
\_\_\_\_\_  
  
OCA-GREATER HOUSTON, et  
al.,  
Plaintiffs,  
  
v.  
  
JANE NELSON, et. al.,  
Defendants,  
  
\_\_\_\_\_  
  
HOUSTON JUSTICE, et  
al.,  
Plaintiffs,  
  
v.  
  
GREGORY WAYNE ABBOTT,  
et al.,  
Defendants,  
  
\_\_\_\_\_  
  
LULAC Texas, et al.,  
Plaintiffs,  
  
v.  
  
JANE NELSON, et al.,  
Defendants,

**THE UNIVERSITY OF CHICAGO**

Case No. 1:21-cv-0786-XR

Jennifer Colvin

March 21, 2023  
Pages 2 to 5

Page 2	Page 4
<p>1 MI FAMILIA VOTA, et § al., § 2 Plaintiffs, § § 3 v. § Case No. 5:21-cv-0920-XR § 4 GREG ABBOTT, et al., § Defendants. § 5 6 7 8 9 ORAL AND VIDEOTAPED DEPOSITION OF 10 JENNIFER COLVIN 11 MARCH 21, 2023 12 13 14 15 ORAL AND VIDEOTAPED DEPOSITION OF JENNIFER COLVIN, 16 produced as a witness at the instance of the Defendants 17 and duly sworn, was taken in the above styled and 18 numbered cause on Tuesday, March 21, 2023, from 19 12:20 p.m. to 3:43 p.m., before DONNA QUALLS, Notary 20 Public in and for the State of Texas, reported by 21 computerized stenotype machine, at the offices of Harris 22 County Attorney's Office, 1019 Congress Street, 15th 23 Floor, Houston, Texas, pursuant to the Federal Rules of 24 Civil Procedure, and any provisions stated on the record 25 or attached hereto.</p>	<p>1 LEIGH TOGNETTI (Via Zoom) LISA CUBRIEL, BEXAR COUNTY (Via Zoom) 2 LUCIA ROMANO (Via Zoom) MIKE STEWART, DOJ (Via Zoom) 3 URUJ SHEIKH, LDF (Via Zoom) ZACHARY DOLLING, TCRP, OCA (Via Zoom) 4 REGGIE WRIGHT, THE VIDEOGRAPHER 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S 2 3 FOR THE HARRIS COUNTY ELECTIONS ADMINISTRATOR: SAMEER S. BIRRING TIFFANY BINGHAM 4 OFFICE OF THE HARRIS COUNTY ATTORNEY CHRISTIAN D. MENEFEE 5 1019 Congress, 15th Floor Houston, Texas 77002 6 (713) 274-5142 sameer.birring@harriscountytexas.gov 7 8 FOR THE HOUSTON AREA URBAN LEAGUE (HAUL) PLAINTIFFS: JENNIFER A. HOLMES 9 NAACP Legal Defense and Educational Fund, Inc. 700 14th Street N.W., Suite 600 10 Washington, District of Columbia 20005 (347) 573-0197 11 jholmes@naacpldf.org 12 13 FOR THE UNITED STATES: DANA PAIKOWSKY 14 U.S. DEPARTMENT OF JUSTICE 950 Pennsylvania Avenue, NW Washington, District of Columbia 20530 15 (202) 353-5225 dana.paikowsky@usdoj.gov 16 17 FOR THE STATE DEFENDANTS: KATHLEEN T. HUNKER 18 OFFICE OF THE ATTORNEY GENERAL P.O. BOX 12548 (MC-009) 19 AUSTIN, TEXAS 78711-2548 (512) 463-2100 20 kathleen.hunker@oag.texas.gov 21 22 Also Present: STEPHEN KENNY (Via Zoom) BRADLEY PROWANT (Via Zoom) 23 BREANNA WILLIAMS, NAACP (Via Zoom) CARRIE LEBEL (Via Zoom) 24 GERMAINE HABELL (Via Zoom) JOHN GORE, GOP (Via Zoom) 25 JOHN SULLIVAN BAKER, DOJ (Via Zoom)</p>	<p>1 INDEX 2 PAGE 3 4 Appearances..... 3 5 JENNIFER COLVIN 6 Examination by Ms. Hunker..... 7 7 Examination by Ms. Paikowsky..... 47 8 Examination by Ms. Holmes..... 74 9 Further Examination by Ms. Hunker..... 92 10 11 Corrections &amp; Signature..... 104 12 Reporter's Certificate..... 106 13 14 EXHIBIT INDEX 15 16 NUMBER DESCRIPTION PAGE 17 Exhibit 11 Election reconciliation 24 18 official totals 19 Exhibit 12 Defendant Harris County 38 20 Elections Administrator, Clifford Tatum's responses and objections to state defendants' 21 second set of interrogatories, and third set of requests for Production 22 Exhibit 13 Ballot insert 41 23 Exhibit 14 Ballot insert 53 24 Exhibit 15 Call log spreadsheet 77 25 Exhibit 16 Harris County Elections 89 Administrator, Clifford Tatum's supplemental responses to state defendants' second set of interrogatories</p>

Jennifer Colvin

March 21, 2023  
Pages 18 to 21

<p style="text-align: right;">Page 18</p> <p>1 the board sends members, we start -- they send in a</p> <p>2 couple of members to help our team -- they designate our</p> <p>3 team to pull the flaps to check for IDs. Once we start</p> <p>4 doing that, we process any that don't have IDs -- we</p> <p>5 mail back to the voters to get them a chance to cure</p> <p>6 that ballot. Any -- all the rest of them are put back</p> <p>7 in the tubs, and we hold them until the SVC convenes.</p> <p>8 Q. Okay. And so you mentioned that in your county</p> <p>9 the early voting clerk removes the flap to determine</p> <p>10 whether or not the numbers were added; is that correct?</p> <p>11 A. Correct. Well, us and some of the board</p> <p>12 members. It's a group effort depending on the quantity.</p> <p>13 Q. And this is to determine whether or not the</p> <p>14 voter put down their either their social security or</p> <p>15 Texas ID number?</p> <p>16 A. Correct.</p> <p>17 Q. And how do you contact the voter if you</p> <p>18 determine that the voter did not put down an ID number?</p> <p>19 A. There's multiple ways you can contact them. We</p> <p>20 normally give a phone call, and we send a letter. If</p> <p>21 it's before the ballot board meets, the EVBB convenes,</p> <p>22 we mail them the ballot back.</p> <p>23 Q. Okay. And so are you doing this before this --</p> <p>24 when I say "doing this," I mean removing the flap before</p> <p>25 the signature verification committee meets?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. We call on their behalf.</p> <p>2 Q. And according to this report, the signature</p> <p>3 verification committee convened on October 9th; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 MS. BINGHAM: Object to form. It was the</p> <p>7 19th.</p> <p>8 THE REPORTER: Can you speak up?</p> <p>9 MS. BINGHAM: Tiffany Bingham.</p> <p>10 A. It was October 19th.</p> <p>11 Q. (BY MS. HUNKER) Okay. And do they meet each</p> <p>12 day after that?</p> <p>13 A. Depending on volume. It's not a set schedule.</p> <p>14 Q. And you were -- your office was removing the</p> <p>15 flap. Did you notice that less voters as compared to</p> <p>16 the primary and the May elections were not at --</p> <p>17 including their ID number or social security number?</p> <p>18 MS. HOLMES: Objection to form.</p> <p>19 MS. BINGHAM: Objection to form.</p> <p>20 MS. HUNKER: You can answer the question.</p> <p>21 A. There were less voters that left off the ID.</p> <p>22 Q. (BY MS. HUNKER) And the signature verification</p> <p>23 committee, do they also review the ballot to determine</p> <p>24 whether or not there is a signature match?</p> <p>25 A. They do.</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Yes.</p> <p>2 Q. And so you can contact the voter before the</p> <p>3 signature verification committee meets; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. And the signature verification committee, they</p> <p>6 then -- how do they then handle the ballot?</p> <p>7 A. The one without the ID or the ones with the ID?</p> <p>8 Q. The ones -- first without the ID. We'll start</p> <p>9 there.</p> <p>10 A. They designate us to send the ballot back to</p> <p>11 the voter on their behalf.</p> <p>12 Q. Okay. And the ones with ID?</p> <p>13 A. The ones with ID, they go through the process</p> <p>14 to compare the numbers to the -- statements in the</p> <p>15 system to make sure that the two match, and then they</p> <p>16 can okay the ballot.</p> <p>17 Q. And do they, too, call the voter?</p> <p>18 A. Go ahead.</p> <p>19 Q. Do they, too, call the voter if they notice</p> <p>20 that they're -- let me strike that.</p> <p>21 How does the Signature verification</p> <p>22 committee contact the voter?</p> <p>23 A. They delegated that to our office.</p> <p>24 Q. And is that when your office would also call</p> <p>25 or --</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. And are they contacted -- the individual voters</p> <p>2 who, let's say, either failed to put their signature or</p> <p>3 had a mismatch, are they contacted the same way?</p> <p>4 A. They are.</p> <p>5 Q. And then what happens when a -- the signature</p> <p>6 verification committee processes the ballot, and then it</p> <p>7 goes to the early voting ballot board?</p> <p>8 A. The signature verification committee can okay</p> <p>9 the ballot. If they have a questionable ballot, that's</p> <p>10 when it -- that goes over to the ballot board.</p> <p>11 Q. So if a ballot is accepted by the signature</p> <p>12 verification committee, it is accepted?</p> <p>13 A. Yes.</p> <p>14 Q. And it only the questionable ballots that move</p> <p>15 to the early voting ballot board; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. Does the early voting ballot board then have</p> <p>18 any role with respect to matching ID numbers?</p> <p>19 A. They do.</p> <p>20 Q. What is that role?</p> <p>21 A. They take -- they assume the same process as</p> <p>22 the SVC.</p> <p>23 Q. And how do you contact the voter once the early</p> <p>24 voting ballot board meets?</p> <p>25 A. We keep the ballot in our possession and notify</p>

Jennifer Colvin

March 21, 2023  
Pages 22 to 25

<p style="text-align: right;">Page 22</p> <p>1 them via phone or mail or e-mail, whatever -- all three</p> <p>2 if we can to give them their options to cure.</p> <p>3 Q. Now, a ballot can be rejected for multiple</p> <p>4 types of defects; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. And so the ID number requirement is only one</p> <p>7 way a ballot can be rejected. Is that fair to say?</p> <p>8 A. Correct.</p> <p>9 Q. And do the other defects -- are they cured</p> <p>10 through a similar process as the ID number?</p> <p>11 MS. HUNKER: Objection to form.</p> <p>12 But, yeah, you can answer.</p> <p>13 A. Yes. Well, it's "yes" and "no." You can't</p> <p>14 cure online for a signature.</p> <p>15 Q. (BY MS. HUNKER) Fair enough.</p> <p>16 A. But you can come into the office and cure a</p> <p>17 signature.</p> <p>18 Q. So let me rephrase. A voter who had a defect</p> <p>19 that other than an ID number mismatch or failure to put</p> <p>20 an ID number on, they also have an opportunity to cure;</p> <p>21 is that correct?</p> <p>22 A. Correct.</p> <p>23 Q. And voters have the option of using the ballot</p> <p>24 tracker; is that correct?</p> <p>25 A. Yes, that's correct.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. (BY MS. HUNKER) And did you notice again</p> <p>2 comparing the March primary along with the May</p> <p>3 elections, as compared to the November 2022 election,</p> <p>4 that voters were exhibiting less confusion over the ID</p> <p>5 number requirement than they did in those previous</p> <p>6 elections?</p> <p>7 MR. BIRRING: Objection to form.</p> <p>8 MS. BINGHAM: Objection to form.</p> <p>9 A. There was less confusion.</p> <p>10 Q. (BY MS. HUNKER) Thank you. I'm just going to</p> <p>11 restate that just to make it clearer.</p> <p>12 Did you observe less confusion in the</p> <p>13 November 2022 general election among voters regarding</p> <p>14 the requirement that voters put their ID number on their</p> <p>15 ballot than in the previous elections in 2022,</p> <p>16 specifically the primary, primary runoff, and local</p> <p>17 election?</p> <p>18 MS. PAIKOWSKY: Objection to form.</p> <p>19 A. Yes, it -- it was less. We had less questions</p> <p>20 about the ID.</p> <p>21 Q. (BY MS. HUNKER) So I want to turn the page,</p> <p>22 and I'm also simultaneously going to introduce our next</p> <p>23 exhibit, which I believe is going to be Exhibit 11.</p> <p>24 (Exhibit No. 11 was marked.)</p> <p>25 Q. (BY MS. HUNKER) Do you have the exhibit in</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Now, comparing the March primary and the May</p> <p>2 elections to the November election, were more voters</p> <p>3 able to cure their ballot using the ballot tracker?</p> <p>4 A. I don't have a definite answer for that.</p> <p>5 Q. Okay. Some counties have reported during the</p> <p>6 March primary and May elections, after the primary, that</p> <p>7 there were problems utilizing the ballot tracker? Did</p> <p>8 this occur in Harris County?</p> <p>9 A. The State's ballot tracker?</p> <p>10 Q. Yes.</p> <p>11 A. We did have voters say that they had trouble</p> <p>12 accessing the state tracker.</p> <p>13 Q. To your knowledge, were those problems</p> <p>14 revolved? Did voters have a similar complaint for the</p> <p>15 November election?</p> <p>16 A. No.</p> <p>17 Q. And looking at the cure process, did you</p> <p>18 observe voters being able to -- better able to utilize</p> <p>19 the cure process in the November 2022 election than they</p> <p>20 did in the March primary or May elections?</p> <p>21 MS. PAIKOWSKY: Objection; form.</p> <p>22 THE WITNESS: Do I still answer?</p> <p>23 MS. HUNKER: You can answer.</p> <p>24 MR. BIRRING: Yeah, yeah.</p> <p>25 A. Yes. The answer is yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 front of you?</p> <p>2 A. I do.</p> <p>3 Q. And do you recognize this document?</p> <p>4 A. I do.</p> <p>5 Q. And what is this?</p> <p>6 A. It's the reconciliation form from the State.</p> <p>7 Q. And what is a reconciliation form?</p> <p>8 A. It reconciles the election.</p> <p>9 Q. Okay. And so I just want to make sure I</p> <p>10 understand the numbers in both the report and this</p> <p>11 particular reconciliation form. And so if you look at</p> <p>12 Box No. 1, it says "Voters." And then it has five</p> <p>13 categories -- is that correct? -- A through E?</p> <p>14 A. That's correct.</p> <p>15 Q. And so it says: "early voting in-person</p> <p>16 voters, Election Day in-person voters, mail ballot</p> <p>17 voters, provisional ballot submitted" and then "total</p> <p>18 voters"; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And so it says here that there were 64,259 mail</p> <p>21 ballot voters in the November 2022 general election; is</p> <p>22 that correct?</p> <p>23 A. Correct.</p> <p>24 Q. And then if we go to Box No. 2 -- before I go</p> <p>25 to that -- and this is out of 1,113,016 total voters; is</p>

Jennifer Colvin

March 21, 2023  
Pages 30 to 33

<p style="text-align: right;">Page 30</p> <p>1 returned -- those are ballots that were just not 2 returned by the voter, correct? 3 A. Right. They had no return status in our 4 system. 5 Q. What about mail ballots surrendered? 6 A. Those are voters that surrendered their ballots 7 at the poll if they wanted to vote early on Election 8 Day. 9 Q. And for a voter who did not include their ID 10 number or had a mismatched ID number, were they then 11 able to return their ballot and vote in person if they 12 had time? 13 A. Yes. 14 Q. And so the mail ballot surrendered, does that 15 include those individuals? 16 A. It could possibly. 17 Q. Okay. And then mail ballots not countable, 18 what does that mean? 19 A. That would mean they either came in after the 20 election. They were late ballots. They're not 21 countable ballots. 22 Q. And so the -- with the exception of the mail 23 ballots not countable, the other numbers are all ballots 24 that would have been received before the ballot-received 25 deadline the day after the election?</p>	<p style="text-align: right;">Page 32</p> <p>1 ID number defect by e-mail and have it resolved by 2 e-mail and returned? 3 A. Correct. 4 Q. And did you observe that, looking at the 5 rejected ballot, generally, that some ballots had 6 multiple defects, not just one? 7 A. Yes. 8 Q. Now, when you're reporting that defect, do you 9 put only one reason, or do you put the fact that there 10 were multiple defects? 11 A. VOTEC only allows us to put one reason. The 12 voter will get a letter for both reasons. 13 Q. So there are some voters who may be listed as 14 having one defect but their ballot in fact had 15 multiple -- is that correct? -- in your system? 16 MS. HOLMES: Objection to form. 17 MS. HUNKER: You can answer the question. 18 A. Correct. Well, let me -- let me elaborate. 19 Both of the letters will be in the system. So if a 20 voter were to call us, we can see both letters that were 21 sent. So we can tell them, yes, there was more than one 22 defect. But as far as reporting to the State, you can 23 only send one code. 24 Q. (BY MS. HUNKER) And so your reports to the 25 State only reflect one defect, not the -- not if there</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Yes. 2 Q. Thank you. And let's go back to page 16. And 3 so it says "The EOA processed over 80,000 mail ballot 4 applications as reflected in the table below." 5 Did I read that correctly? 6 A. Yes. 7 Q. Okay. 8 A. EAO. 9 Q. EAO. 10 A. Yes. 11 Q. Thank you. And so we have domestic versus 12 UOCAVA voters, correct? 13 A. Yes. 14 Q. When a military or overseas voter did not 15 include an ID or had -- let's say had a defect in their 16 ballot, how would you go about contacting that military 17 voter? 18 A. Via e-mail or phone. 19 Q. And a military voter has the option of 20 resubmitting their signature sheet; is that correct? 21 A. Correct. 22 Q. And can they resubmit -- resubmit that 23 signature sheet via e-mail? 24 A. Correct. 25 Q. And so you can contact a military voter about a</p>	<p style="text-align: right;">Page 33</p> <p>1 were multiple defects? 2 A. Correct. 3 Q. And looking specifically at the UOCAVA voters 4 who had their ballots rejected, did you look at the 5 reasons why those ballots were rejected? 6 A. Not each one individually, no. 7 Q. Were they rejected for a variety of reasons? 8 A. Yes. 9 Q. And so I just want to talk a little bit about a 10 little later on page where it says "Mail ballot problems 11 encountered," second paragraph specifically. It says: 12 "During the mail ballot period, the EAO received reports 13 that voters were not receiving" bal- -- "mail ballots 14 and that voters were being charged extra postage because 15 of the size of the carrier envelope." 16 Did I read that correctly? 17 A. Yes. 18 Q. And did your office ever determine why certain 19 voters were not receiving their ballots? 20 A. No. 21 Q. And for the voters who were not receiving their 22 ballots, the ballot was sent. It just was not received; 23 is that correct? 24 A. Correct. 25 Q. And so there was some issue with the postal</p>



Jennifer Colvin

March 21, 2023  
Pages 34 to 37

<p style="text-align: right;">Page 34</p> <p>1 service or the common carrier that was taking the</p> <p>2 ballot; is that fair?</p> <p>3 A. Correct.</p> <p>4 MS. BINGHAM: Objection to form.</p> <p>5 Q. (BY MS. HUNKER) Did you observe that voters</p> <p>6 were receiving their mail ballots later than they should</p> <p>7 have?</p> <p>8 A. In some instances.</p> <p>9 Q. And was that due to the postal issues?</p> <p>10 A. Yes.</p> <p>11 Q. Were these delays more than you had seen in</p> <p>12 previous elections?</p> <p>13 A. No.</p> <p>14 Q. And it says your office is working with the</p> <p>15 postal service to identify the practices that might have</p> <p>16 caused delivery problems; is that right?</p> <p>17 A. Yes, that's correct. We work closely with the</p> <p>18 post office.</p> <p>19 Q. And so I want to look at Topic No. 8. I'm just</p> <p>20 going to ask a couple of questions related to the</p> <p>21 statistics that we were hoping to -- to gain. We talked</p> <p>22 a little bit about ballots by mail, but I was wondering</p> <p>23 about applications that were received.</p> <p>24 So do you know how many applications for</p> <p>25 ballot by mail that were received in your office?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. (BY MS. HUNKER) Sure.</p> <p>2 A. -- asking.</p> <p>3 Q. You are an offline county, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And what is the system that y'all use?</p> <p>6 A. VOTEC.</p> <p>7 Q. Okay. And so when you receive a application</p> <p>8 for ballot by mail or a ballot, you mentioned that you</p> <p>9 check to see whether or not the number is in the voter</p> <p>10 record, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And so you were looking at VOTEC -- what was it</p> <p>13 again?</p> <p>14 A. VOTEC.</p> <p>15 Q. VOTEC. You were looking at VOTEC system to</p> <p>16 check the voter record; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. When you were making that check like when you</p> <p>19 were looking at the record, were you noticing that fewer</p> <p>20 voters did not have a -- either a driver's license ID</p> <p>21 number or social security number?</p> <p>22 MS. HOLMES: Objection --</p> <p>23 A. In the voter management system.</p> <p>24 Q. (BY MS. HUNKER) Yes.</p> <p>25 MS. HOLMES: Objection to form.</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Approximate number?</p> <p>2 Q. Approximately.</p> <p>3 A. 80,000. That's an approximate number.</p> <p>4 Q. And do you know approximately how many were</p> <p>5 rejected?</p> <p>6 A. Not off the top of my head.</p> <p>7 Q. Okay. And I talked a little bit about whether</p> <p>8 or not you had observed there being less voters who were</p> <p>9 failing to put their ID number on the ballots. I'm now</p> <p>10 going to ask that same question with respect to</p> <p>11 applications.</p> <p>12 Did you observe that voters were less</p> <p>13 likely in the general election than in the prior</p> <p>14 elections in 2022 failing to put their ID, whether the</p> <p>15 social security or driver's license?</p> <p>16 A. It did --</p> <p>17 MS. HOLMES: Objection to form.</p> <p>18 A. It did decrease.</p> <p>19 Q. (BY MS. HUNKER) And when you were matching the</p> <p>20 number with the secretary of state's office, did you</p> <p>21 observe that less voters did not have an ID number in</p> <p>22 their voter record?</p> <p>23 MS. HOLMES: Objection to form.</p> <p>24 MR. BIRRING: Objection to form.</p> <p>25 A. Can you clarify what you're --</p>	<p style="text-align: right;">Page 37</p> <p>1 A. There were fewer. There were some that did not</p> <p>2 have a number in there, but there were fewer than</p> <p>3 previous.</p> <p>4 Q. (BY MS. HUNKER) And did you observe when you</p> <p>5 were going through VOTEC that fewer voters -- let</p> <p>6 take -- let me strike that.</p> <p>7 When you were going through VOTEC, did you</p> <p>8 observe that more voters had both their social security</p> <p>9 number as well as a Texas ID number, whether it be a</p> <p>10 driver's license or whatnot?</p> <p>11 MS. HOLMES: Objection to form.</p> <p>12 (Simultaneously speaking.)</p> <p>13 A. I didn't see if there was fewer or more, but</p> <p>14 there were some that had both.</p> <p>15 Q. (BY MS. HUNKER) Okay. And there are multiple</p> <p>16 reasons an application for ballot by mail can be</p> <p>17 rejected, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And so not all applications for ballot by mail</p> <p>20 that were rejected were rejected on account of the</p> <p>21 requirement that the voter put an ID number; is that</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Did you have voters who had other types of</p> <p>25 defects in their application to vote by mail that were</p>

Jennifer Colvin

March 21, 2023  
Pages 38 to 41

<p style="text-align: right;">Page 38</p> <p>1 able to cure their application before -- in time to</p> <p>2 get -- to receive a ballot?</p> <p>3 A. Yes.</p> <p>4 Q. And did you have voters who had a defect of the</p> <p>5 lack of numerical identifying information who were able</p> <p>6 to cure their application before --</p> <p>7 A. Yes.</p> <p>8 Q. I'm going to introduce Exhibit 12.</p> <p>9 (Exhibit No. 12 was marked.)</p> <p>10 Q. (BY MS. HUNKER) Do you have that document in</p> <p>11 front of you?</p> <p>12 A. I do.</p> <p>13 Q. Do you see the case that says La Union Del</p> <p>14 Pueblo Entero v. Greg Abbot?</p> <p>15 A. Yes.</p> <p>16 Q. And do you see the title where it says</p> <p>17 "Defendant Harris County Elections Administrator,</p> <p>18 Clifford Tatum's Responses and Objections to State</p> <p>19 Defendants' Second Set of Interrogatories, and Third Set</p> <p>20 of Requests for Production"?</p> <p>21 A. Yes.</p> <p>22 Q. So we are going to jump to page 3 where it says</p> <p>23 "Responses to Interrogatories."</p> <p>24 Do you see that?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 40</p> <p>1 May location election; is that correct?</p> <p>2 A. I can't agree to that one. I don't know that</p> <p>3 percentage rate.</p> <p>4 Q. Okay. And would you agree that Harris County</p> <p>5 made significant progress in reducing the mail ballot</p> <p>6 rejection rate between the primary and the November 2022</p> <p>7 general election?</p> <p>8 MS. HOLMES: Objection; form.</p> <p>9 MS. PAIKOWSKY: Objection; form.</p> <p>10 MS. HUNKER: You can --</p> <p>11 A. Yes.</p> <p>12 Q. (BY MS. HUNKER) Was that a "yes"?</p> <p>13 A. Yes.</p> <p>14 Q. And how did Harris County work to reduce that</p> <p>15 number?</p> <p>16 A. We inserted -- when we mailed out application</p> <p>17 requests that voters called in -- request that</p> <p>18 application, we sent out a flyer with it making sure</p> <p>19 they knew they needed to include the new law</p> <p>20 requirements for the ID. We also did the same with the</p> <p>21 ballot.</p> <p>22 Q. And did you notice that if your efforts</p> <p>23 resonated with voters?</p> <p>24 MS. HOLMES: Objection to form.</p> <p>25 MS. HUNKER: Let me rephrase.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. And then next to Interrogatory No. 4 it says</p> <p>2 "Please identify and describe with specificity Harris</p> <p>3 County's final rejection rate of timely received ballots</p> <p>4 by mail, expressed as a percentage of all timely</p> <p>5 received ballots by mail and rounded to two decimal</p> <p>6 places, for the following elections."</p> <p>7 And then -- did I read that correctly?</p> <p>8 A. Yeah.</p> <p>9 Q. And do you see where it has F, November 2022</p> <p>10 general election?</p> <p>11 A. Yes.</p> <p>12 Q. And do you see where it has the response</p> <p>13 4.16 percent?</p> <p>14 A. I do.</p> <p>15 Q. And I'm just going to confirm that the mail</p> <p>16 ballot rejection rate for Harris County in the</p> <p>17 November 2022 election was 4.16 percent?</p> <p>18 A. Correct.</p> <p>19 Q. And that is less than the rejection rate from</p> <p>20 the March primary, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And that is less than the rejection rate from</p> <p>23 the primary runoff?</p> <p>24 A. Correct.</p> <p>25 Q. And it is less than the rejection rate from the</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. (BY MS. HUNKER) Did you observe whether your</p> <p>2 efforts at informing voters about the ID requirement</p> <p>3 clarified any confusion that the voters may have had</p> <p>4 about the requirement?</p> <p>5 MS. PAIKOWSKY: Objection to form.</p> <p>6 A. I believe it did.</p> <p>7 Q. (BY MS. HUNKER) And you can put this aside.</p> <p>8 Going to introduce Exhibit No. 13.</p> <p>9 (Exhibit No. 13 was marked.)</p> <p>10 Q. (BY MS. HUNKER) Do you have the exhibit in</p> <p>11 front of you?</p> <p>12 A. I do.</p> <p>13 Q. And do you recognize this exhibit?</p> <p>14 A. I do.</p> <p>15 Q. And what is it?</p> <p>16 A. It's the insert for the ballot.</p> <p>17 Q. Okay. And just for clarification of the</p> <p>18 record, you'll see at the bottom there are Bates numbers</p> <p>19 that say TATUM_005338.</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. And so this is the insert that you put into</p> <p>23 your balloting materials to inform voter of the ID</p> <p>24 requirement; is that correct?</p> <p>25 A. Correct.</p>

Jennifer Colvin

March 21, 2023  
Pages 54 to 57

<p style="text-align: right;">Page 54</p> <p>1 A. We added our logo at the top.</p> <p>2 Q. Were you aware that the State has its own --</p> <p>3 has produced its own ballot insert, carrier envelope</p> <p>4 insert?</p> <p>5 A. No.</p> <p>6 Q. Were you involved in the decision-making of</p> <p>7 which carrier insert to use?</p> <p>8 A. No. We use the one that was created by our</p> <p>9 office.</p> <p>10 Q. Understood. To your knowledge, did the</p> <p>11 secretary of state's office make any suggestions to you</p> <p>12 as to what type of voter education your county should</p> <p>13 engage in related to the ID provisions of Senate Bill 1?</p> <p>14 A. No.</p> <p>15 Q. So I'm going to zoom back a little bit to the</p> <p>16 processing of ABBMs and mail ballot forms. So when your</p> <p>17 office receives an ABBM, what are the first steps that</p> <p>18 you take?</p> <p>19 A. When we first get it in the mail?</p> <p>20 Q. (Nonverbal response.)</p> <p>21 A. We -- if it comes in an envelope, we open the</p> <p>22 envelope, barcode it, and image it.</p> <p>23 Q. And what do you do to determine whether or not</p> <p>24 to accept the ABBM?</p> <p>25 A. I missed a step. When we get them in, we sort</p>	<p style="text-align: right;">Page 56</p> <p>1 system.</p> <p>2 Q. And after that, you look to see whether the</p> <p>3 identification numbers match?</p> <p>4 A. Yes, in the voter file.</p> <p>5 Q. Has the process by which your office does this</p> <p>6 intake changed -- has it changed since the March</p> <p>7 primary?</p> <p>8 A. No.</p> <p>9 Q. So along the same lines, can you take me</p> <p>10 through how your office -- and this is a question again</p> <p>11 about the mechanical processing. I know you talked a</p> <p>12 little before about how EVBB's SV --</p> <p>13 A. C.</p> <p>14 Q. -- Cs process ballots when they come in. At</p> <p>15 what point in the process do either the SVBs [sic] or</p> <p>16 the EVBBs look up a voter in the system?</p> <p>17 A. When they start verifying signatures, they'll</p> <p>18 go into the ballot board module, and they can see the</p> <p>19 voter's profile -- well, on the system itself, it shows</p> <p>20 the voters -- each. It's a list of 25 -- well, now</p> <p>21 we're up to 100 voters per batch. But it will list</p> <p>22 their ID and -- any ID that's linked to them in the</p> <p>23 system will be on their profile.</p> <p>24 Q. So taking a step back, how do you match a</p> <p>25 ballot to a voter in the system?</p>
<p style="text-align: right;">Page 55</p> <p>1 them by the type of app because we have different</p> <p>2 campaign apps that come in and the reason that they've</p> <p>3 voting by mail so they can all be together.</p> <p>4 Q. And what do you do next?</p> <p>5 A. We get them in. We barcode them. We sort</p> <p>6 them. Then we image them. And we put them in batches</p> <p>7 of 25 for the processors to process.</p> <p>8 Q. And so what happens after that?</p> <p>9 A. We look them up in the voter management system</p> <p>10 to see if they qualify. We compare the IDs. We make</p> <p>11 sure the person -- if you can with read the signature --</p> <p>12 the signature is the person that actually is on the app.</p> <p>13 And then we enter them to receive a ballot if they're</p> <p>14 good.</p> <p>15 Q. And how do you -- so -- so the first step you</p> <p>16 mentioned was you look them up in the...</p> <p>17 A. V-Max.</p> <p>18 Q. V-Max. And what is V-Max?</p> <p>19 A. It's the voter management system.</p> <p>20 Q. The voter management system. And so how do you</p> <p>21 look up the voter in the voter management system?</p> <p>22 A. Depending on the app. Some apps come with a</p> <p>23 barcode that's directly linked to the voter. If not, we</p> <p>24 look them up first name, last name, date of birth,</p> <p>25 whatever information that we need to find them in the</p>	<p style="text-align: right;">Page 57</p> <p>1 A. We image it. And it's linked through a</p> <p>2 barcode.</p> <p>3 Q. Through a barcode. So the barcode identifies</p> <p>4 which voter the ballot belongs to and pulls up that</p> <p>5 voter's --</p> <p>6 A. The carrier envelope to be clear. Not the</p> <p>7 actual ballot.</p> <p>8 Q. Correct.</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. So there's a barcode that corresponds</p> <p>11 between the carrier envelope and the voter itself, and</p> <p>12 that automatically pulls up the voter's file, and that</p> <p>13 allows you to compares the IDs?</p> <p>14 A. Well, that links the image to the voter's file.</p> <p>15 And then when the ballot board goes in to view them,</p> <p>16 that's where they compare the IDs.</p> <p>17 Q. Does your office use the driver's license and</p> <p>18 SSN for any purpose beyond determining whether the mail</p> <p>19 ballot can be accepted in light of Senate Bill 1?</p> <p>20 A. No.</p> <p>21 Q. Does your office use the driver's license or</p> <p>22 social security number for any purpose beyond</p> <p>23 determining whether an absentee ballot by mail request</p> <p>24 form can be accepted in light of Senate Bill 1?</p> <p>25 A. As far as ballot by mail, no.</p>



Jennifer Colvin

March 21, 2023  
Pages 58 to 61

<p style="text-align: right;">Page 58</p> <p>1 Q. So I'm going to ask you some questions about</p> <p>2 final rejections, and I want to define that for a</p> <p>3 second. So a final rejection, I'm using to mean a voter</p> <p>4 has either failed to cure a ballot defect or a ballot</p> <p>5 defect -- a cure was insufficient for some reason.</p> <p>6 Did your county send out notices of final</p> <p>7 rejection in the 2022 general election to people who</p> <p>8 were unable to cure their ballot defects or whose cure</p> <p>9 were insufficient?</p> <p>10 A. Yes.</p> <p>11 Q. What is the process for providing this final</p> <p>12 notice?</p> <p>13 A. The --</p> <p>14 MS. HUNKER: Objection; form.</p> <p>15 A. The board will give us -- well, we -- the</p> <p>16 ballots are already in our possession, but the board</p> <p>17 will -- we change the code to a final rejection code,</p> <p>18 and it's generated through VOTEC, our voter management</p> <p>19 system. And we mail the letter to the voter.</p> <p>20 Q. (BY MS. PAIKOWSKY) So the final notice comes</p> <p>21 through a letter only?</p> <p>22 A. Yes.</p> <p>23 Q. And earlier you mentioned -- so a prelim- --</p> <p>24 how would you provide notice for a -- withdrawn.</p> <p>25 How is the process different for providing</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Approximately 20.</p> <p>2 Q. And do you know how much hiring these</p> <p>3 additional employees cost?</p> <p>4 A. Not off the top of my head, no.</p> <p>5 Q. Are these staffing needs greater than -- what</p> <p>6 were required in previous, past elections?</p> <p>7 MS. HUNKER: Objection; form.</p> <p>8 A. Yes. Depending on the size of the election, of</p> <p>9 course.</p> <p>10 Q. (BY MS. PAIKOWSKY) Did processing ABBMs take</p> <p>11 longer in the November 2020 general election than it has</p> <p>12 in similar past elections because of Senate Bill 1's ID</p> <p>13 requirements?</p> <p>14 MS. HUNKER: Objection; form.</p> <p>15 A. Yes, to an extent.</p> <p>16 Q. (BY MS. PAIKOWSKY) How did the processing of</p> <p>17 ABBMs change -- actually withdrawn.</p> <p>18 Did processing ABBMs during the</p> <p>19 November 2022 general election change in terms of how</p> <p>20 long it took in the 2022 general election as -- as</p> <p>21 opposed to similar past elections?</p> <p>22 A. Can you clarify similar past elections? Are</p> <p>23 you referring to March primaries?</p> <p>24 Q. I'm referring to --</p> <p>25 A. Or prior to SB1?</p>
<p style="text-align: right;">Page 59</p> <p>1 a final notice of rejection versus a notice of a ballot</p> <p>2 defect?</p> <p>3 A. A ballot defect, we will call the voter or send</p> <p>4 them a letter or e-mail them if there's an e-mail</p> <p>5 provided to tell them the different ways that they have</p> <p>6 to -- that they can cure.</p> <p>7 Q. So earlier we were talking about staffing</p> <p>8 needs. Did implementing Senate Bill 1's identification</p> <p>9 requirements change the staffing needs of your office to</p> <p>10 process and facilitate the mail voting procedures?</p> <p>11 A. It did.</p> <p>12 Q. In what way?</p> <p>13 A. We created -- since the ballot board give --</p> <p>14 they gave us their duties of calling and informing the</p> <p>15 voters of their mixmatch or missing IDs, we created a</p> <p>16 team, an SB1 team, of approximately 12 employees that</p> <p>17 would do the calling and notifying the voters. And they</p> <p>18 would also -- we also had to increase our mail room,</p> <p>19 scan room team to help pull the flaps of all the ballots</p> <p>20 that came back.</p> <p>21 Q. And these 12 employees, were they full time?</p> <p>22 A. No.</p> <p>23 Q. How many employees, between mail room increases</p> <p>24 and this SB1 team, would you say you had to add during</p> <p>25 the 2022 general election?</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Prior to SB1.</p> <p>2 A. Yes, it took longer.</p> <p>3 Q. And why was that?</p> <p>4 A. We had to look in a separate part -- their ID</p> <p>5 is not on the front screen of where we enter an app. We</p> <p>6 have to actually go into the voter's profile to look at</p> <p>7 the additional information.</p> <p>8 Q. As compared to past elections, did implementing</p> <p>9 Senate Bill 1's ID provisions impact how long it took to</p> <p>10 process carrier envelopes?</p> <p>11 A. Yes.</p> <p>12 Q. And in what way?</p> <p>13 A. Because we had to tear the flap and -- first we</p> <p>14 would tear the flap, and then we would have to process</p> <p>15 the ones that didn't have ID with extra -- that caused</p> <p>16 extra work for the office. Yeah, that's it.</p> <p>17 Q. Based on your experience implementing Senate</p> <p>18 Bill 1's mail ballot ID provisions, do you believe your</p> <p>19 office will continue to need to expend more resources on</p> <p>20 staffing to support mail voting than it has in the past?</p> <p>21 A. Yes, depending on the size of the election.</p> <p>22 For presidential, most definitely.</p> <p>23 Q. So I guess comparing like elections to like</p> <p>24 elections. So --</p> <p>25 A. I would say it would remain the same.</p>

Jennifer Colvin

March 21, 2023  
Pages 66 to 69

<p style="text-align: right;">Page 66</p> <p>1 to get voters either return their ballots or get them</p> <p>2 noticed in a timely way?</p> <p>3 A. It wouldn't impact our office mailing them out</p> <p>4 in any way. We would mail them as soon as we received</p> <p>5 them.</p> <p>6 Q. But your knowledge would it impact --</p> <p>7 withdrawn.</p> <p>8 Although it did not impact your ability to</p> <p>9 send the notice, did it impact voters' ability to</p> <p>10 receive the notice for their ballots in any way?</p> <p>11 A. Possibly. I didn't hear of any voters saying</p> <p>12 they didn't receive notice.</p> <p>13 Q. But there was a delay?</p> <p>14 MS. HUNKER: Objection; form.</p> <p>15 A. Possibly.</p> <p>16 Q. (BY MS. PAIKOWSKY) Okay. So I know we</p> <p>17 mentioned -- and I can take us back here. But there</p> <p>18 were 30 voters, UOCAVA voters, whose ballots were</p> <p>19 rejected. Do you know if any of those voters had their</p> <p>20 ballot rejected because of an identification number</p> <p>21 issue?</p> <p>22 A. I believe so. I don't know the total there.</p> <p>23 Q. Were there any voters, UOCAVA voters, who had</p> <p>24 an ABBM rejected because of an identification issue?</p> <p>25 A. I believe so.</p>	<p style="text-align: right;">Page 68</p> <p>1 elderly and said they weren't able to use the system.</p> <p>2 But we walked them through it, and we were able to help</p> <p>3 them cure.</p> <p>4 Q. Based on your experience implementing SB1's</p> <p>5 mail ballot identification provision, thus far, do you</p> <p>6 believe the rejection rate will ever be zero?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. Because we're -- a lot of our voters are</p> <p>10 elderly and they forget. They forget they have to</p> <p>11 include their ID.</p> <p>12 Q. Did your office receive any communications from</p> <p>13 voters who were frustrated by Senate Bill 1's mail</p> <p>14 ballot identification provision during the November 2022</p> <p>15 general election?</p> <p>16 A. It would be in the call log if we did.</p> <p>17 Q. Are you aware of the statewide rejection rate</p> <p>18 for a ABBMs during the November 2022 general election?</p> <p>19 A. Statewide, no.</p> <p>20 Q. Sorry. So -- and this also might be -- let me</p> <p>21 know if this is not sort of within your experience.</p> <p>22 But has your office ever referred a voter</p> <p>23 whose ABBM or carrier envelope did not match their TEAM</p> <p>24 record to the office of the secretary of state as a</p> <p>25 potential case of voter fraud?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Do you know approximately how many?</p> <p>2 A. I don't know that number off the top of my</p> <p>3 head.</p> <p>4 Q. Are you aware of any for whom, given the</p> <p>5 timing, it just wasn't possible for them to cure these</p> <p>6 issues?</p> <p>7 MS. HUNKER: Objection; form.</p> <p>8 A. No.</p> <p>9 Q. (BY MS. PAIKOWSKY) Earlier we were discussing</p> <p>10 ballots that might be rejected for multiple reasons. Do</p> <p>11 you have a sense for how common that is?</p> <p>12 A. It's not very common.</p> <p>13 Q. When you say "not very common," can you give me</p> <p>14 an estimate?</p> <p>15 A. Generally, it's rejected for either no</p> <p>16 signature or no ID, not normally for both. They don't</p> <p>17 usually send a voter ballot back without one or the</p> <p>18 other.</p> <p>19 Q. In the November 2022 general election, were</p> <p>20 voters in your county able to use the State's website to</p> <p>21 track and cure their ballots?</p> <p>22 A. Yes.</p> <p>23 Q. To your knowledge, did any voters in the 2022</p> <p>24 general election have difficulty using that system?</p> <p>25 A. We had a couple that called that were very</p>	<p style="text-align: right;">Page 69</p> <p>1 A. No. Wait, can you elaborate? I'm sorry.</p> <p>2 Q. So if there is a mis- -- mismatch between a</p> <p>3 voter's ID on their ABBM or carrier envelope, has that</p> <p>4 ever caused you to reach out to the office of secretary</p> <p>5 of state to let them know that this might be a potential</p> <p>6 case of voter fraud?</p> <p>7 A. No.</p> <p>8 Q. Has your office made a similar referral, again,</p> <p>9 because of an ID mismatch as a potential case of voter</p> <p>10 fraud to the attorney general's office?</p> <p>11 A. No.</p> <p>12 Q. Has your office ever made a referral for voter</p> <p>13 fraud -- potential voter fraud because of an ID mismatch</p> <p>14 to the county DA's office?</p> <p>15 A. Can we clarify? We're talking about</p> <p>16 November 2022?</p> <p>17 Q. Correct.</p> <p>18 A. Okay. No.</p> <p>19 Q. Have you made criminal referrals based on ID</p> <p>20 mismatches as a potential case of voter fraud since SB1</p> <p>21 was enacted?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. We haven't had a reason to.</p> <p>25 Q. And why not?</p>

Jennifer Colvin

March 21, 2023  
Pages 94 to 97

<p style="text-align: right;">Page 94</p> <p>1 the 2024 presidential election will be in comparison to</p> <p>2 the previous presidential election of 2020; is that</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. You had discussed with counsel the length of</p> <p>6 time it takes to process ballots by mail; is that</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. You were able to meet your deadlines -- your</p> <p>10 canvassing deadlines for the 2022 general election; is</p> <p>11 that correct?</p> <p>12 A. Correct.</p> <p>13 Q. And you were able to process voter's</p> <p>14 application -- sorry -- let me strike that.</p> <p>15 You were able to process voters' ballots by</p> <p>16 mail in a speedily enough fashion to be able to provide</p> <p>17 notice to voters who had a defect in order for them to</p> <p>18 cure?</p> <p>19 A. Yes.</p> <p>20 MS. HOLMES: Objection to form.</p> <p>21 Q. (BY MS. HUNKER) Do you know what roughly the</p> <p>22 turnaround was between when a ballot was received before</p> <p>23 when it was sent out if there was a defect?</p> <p>24 A. Generally within 24 hours.</p> <p>25 Q. Is that comparable to previous elections?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Correct.</p> <p>2 Q. And one of the ways that a voter can update</p> <p>3 their voter registration file is by submitting a</p> <p>4 regist- -- a voter registration card; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. And so a military voter can update their voter</p> <p>7 registration file to add new numbers, their ID and</p> <p>8 social security numbers, by submitted there FPCA?</p> <p>9 A. Correct.</p> <p>10 Q. And so they're simultaneously able to apply for</p> <p>11 a ballot by mail and provide the voter registration --</p> <p>12 sorry -- a number for their voter registration; is that</p> <p>13 correct? Let me rephrase the question.</p> <p>14 A. Thank you.</p> <p>15 Q. And so a military and overseas voter is able to</p> <p>16 submit the FPCA and simultaneously apply for a ballot by</p> <p>17 mail as well as providing your office with their</p> <p>18 ID number whether it be a social security, driver's</p> <p>19 license, or any of the numbers listed?</p> <p>20 A. Correct.</p> <p>21 Q. You had stated much earlier in the depo that</p> <p>22 you've been working for Harris County since 2008 in the</p> <p>23 elections department; is that right?</p> <p>24 A. Correct.</p> <p>25 Q. And have you been present when Texas has made</p>
<p style="text-align: right;">Page 95</p> <p>1 A. Yes. Our goal is to get them out within</p> <p>2 24 hours to give them as much time as possible to fix</p> <p>3 the problem.</p> <p>4 Q. Now, federal law requires that military and</p> <p>5 overseas ballots be issued 45 days before Election Day;</p> <p>6 is that right?</p> <p>7 A. Correct.</p> <p>8 Q. And you were able to meet that deadline this</p> <p>9 year, correct?</p> <p>10 A. Yes.</p> <p>11 Q. When did voter -- when did ballots go out for</p> <p>12 other voters in Harris County?</p> <p>13 A. Shortly thereafter, before the 30th day.</p> <p>14 Q. And voters would have been able to return their</p> <p>15 ballots as soon as it was received; is that correct?</p> <p>16 A. Correct.</p> <p>17 MS. HOLMES: Object to the form.</p> <p>18 Q. (BY MS. HUNKER) Are you familiar with the</p> <p>19 federal postcard application?</p> <p>20 A. Yes.</p> <p>21 Q. And you're also familiar with acronym people</p> <p>22 refer to it as FPCA?</p> <p>23 A. Yes.</p> <p>24 Q. The FPCA acts as a voter registration and</p> <p>25 application for ballot by mail; is that correct?</p>	<p style="text-align: right;">Page 97</p> <p>1 other changes to election law?</p> <p>2 A. Yes.</p> <p>3 Q. Is there always a learning curve for voters</p> <p>4 when there's a new requirement or change in procedures?</p> <p>5 MS. HOLMES: Objection to form.</p> <p>6 A. Yes.</p> <p>7 Q. (BY MS. HUNKER) And did you notice that voters</p> <p>8 who had their ballot rejected in the primary were able</p> <p>9 to successfully vote in the general election?</p> <p>10 MS. HOLMES: Objection to form.</p> <p>11 Q. (BY MS. HUNKER) If you're aware.</p> <p>12 A. It's hard to say. We didn't compare the two.</p> <p>13 Q. Did you observe that voters who had voted in</p> <p>14 the previous election had fewer problems or confusion</p> <p>15 regarding the ID requirement?</p> <p>16 MS. HOLMES: Objection to form.</p> <p>17 A. Can you re --</p> <p>18 Q. (BY MS. HUNKER) Sure.</p> <p>19 A. Reask your question. I'm sorry.</p> <p>20 Q. Did you observe that voters who had voted in a</p> <p>21 previous election when SB1 was in effect had less</p> <p>22 difficulty or exhibited less confusion with respect to</p> <p>23 the ID requirement in the 2022 general election?</p> <p>24 MS. HOLMES: Objection to form.</p> <p>25 MR. BIRRING: Objection to form.</p>

Jennifer Colvin

March 21, 2023  
Pages 98 to 101

<p style="text-align: right;">Page 98</p> <p>1 A. We had less. There were more rejects due to ID</p> <p>2 in previous elections.</p> <p>3 Q. (BY MS. HUNKER) Now, you had spoken a little</p> <p>4 bit with counsel about the different codes for when a</p> <p>5 ballot was rejected for an ID requirement. Is there a</p> <p>6 separate code if there's a rejection due to lack of</p> <p>7 signature?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recommend that voters put down their</p> <p>10 phone number or e-mail when they're applying to vote by</p> <p>11 mail?</p> <p>12 A. Does our office recommend it?</p> <p>13 Q. Yes.</p> <p>14 A. Yes. So we can reach out to the voters if</p> <p>15 there's a problem with their application.</p> <p>16 Q. And do you find that most voters follow through</p> <p>17 on your recommendation?</p> <p>18 A. We get a lot of phone numbers and e-mails.</p> <p>19 Q. You also discussed with counsel about that</p> <p>20 there were occasions where the county voting system had</p> <p>21 two IDs but the TEAM's database only had one.</p> <p>22 Do you recall that conversation?</p> <p>23 A. Yes.</p> <p>24 Q. When you notice that the county database has</p> <p>25 two ID numbers but the TEAM's database only has one, do</p>	<p style="text-align: right;">Page 100</p> <p>1 receiving very minimal applications right now.</p> <p>2 Q. Okay. To your knowledge, has Harris County</p> <p>3 ever had a rejection rate for ballots by mail that was</p> <p>4 zero?</p> <p>5 A. No.</p> <p>6 Q. And so I want to turn to Exhibit 16 which was</p> <p>7 provided by your office during this deposition.</p> <p>8 A. 16.</p> <p>9 Q. Yes. This is the updated...</p> <p>10 A. Oh, my apologies. It's right in front of me.</p> <p>11 Q. So looking at -- let me take a step back.</p> <p>12 Are you using the same database, offline</p> <p>13 database, in 2022, as you were in these previous</p> <p>14 elections?</p> <p>15 A. Yes.</p> <p>16 Q. And how did you come to these rejection rates</p> <p>17 for previous elections?</p> <p>18 A. From numbers within the voter management</p> <p>19 system.</p> <p>20 Q. Were you required to report rejections prior to</p> <p>21 2022?</p> <p>22 A. Yes.</p> <p>23 Q. And was that reported to the secretary of</p> <p>24 state's office?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 99</p> <p>1 you inform the secretary of state's office to update the</p> <p>2 TEAM's database?</p> <p>3 A. No.</p> <p>4 Q. And do you know if there's -- if there's a</p> <p>5 policy or procedure that perhaps your tech division has</p> <p>6 with respect to updating?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. If the county database only has one</p> <p>9 number but the TEAM's database has two numbers and the</p> <p>10 number the voter put is the one that was in the TEAM's</p> <p>11 database but not the one in the county's database, you</p> <p>12 would accept that ballot; is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. There's an option for voters with disabilities</p> <p>15 as well as voters over 65 to submit an application for</p> <p>16 ballot by mail for the entire year, correct?</p> <p>17 A. Correct. Annual.</p> <p>18 Q. And you've already started receiving annual</p> <p>19 applications for the 2023?</p> <p>20 A. That's correct.</p> <p>21 Q. And did you notice fewer rejections for the</p> <p>22 applications that were submitted this year due to the ID</p> <p>23 mismatch or lack of ID as compared to previous elections</p> <p>24 in 2022?</p> <p>25 A. I haven't analyzed that data, but we're</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. And so in previous elections, Texas utilized</p> <p>2 signature verification, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And do you know if the signature verification</p> <p>5 committee utilized the same standard election from</p> <p>6 election?</p> <p>7 MS. HOLMES: Objection to form.</p> <p>8 A. Yes.</p> <p>9 Q. (BY MS. HUNKER) And did they utilize the same</p> <p>10 standard election to election?</p> <p>11 MS. HOLMES: Objection to form.</p> <p>12 A. Repeat that.</p> <p>13 Q. (BY MS. HUNKER) So my first question was did</p> <p>14 you know if they did, and then I realized that was maybe</p> <p>15 not clear. And so I just wanted to clarify, did they</p> <p>16 use the same standard for signature verification</p> <p>17 election from election?</p> <p>18 A. Prior to SB1, they didn't have to compare IDs.</p> <p>19 But after SB1, they had to compare IDs. That's the</p> <p>20 difference in their processes.</p> <p>21 Q. So I think I maybe, then, asked a confusing</p> <p>22 question. So I'm talking about the signature</p> <p>23 verification, not ID --</p> <p>24 A. Only their signature verification?</p> <p>25 Q. Only their signature verification. So there</p>

Jennifer Colvin

March 21, 2023  
Pages 102 to 105

Page 102	Page 104
1 was a standard on how to apply -- match signatures?	1 ERRATA PAGE
2 Do you know --	2 WITNESS NAME: JENNIFER COLVIN DATE: 03/21/2023
3 A. Yes.	3 PAGE LINE CHANGE REASON
4 Q. -- if your signature verification committee	4
5 utilized identical standard election from election prior	5
6 to 2022?	6
7 A. Yes.	7
8 Q. And do you know how that standard applies to	8
9 how other counties compare signatures?	9
10 A. No.	10
11 Q. And we had talked a little bit earlier about	11
12 how 4.16 was a reduction from the primary election,	12
13 correct?	13
14 A. Correct.	14
15 Q. And I believe you said it was also a reduction	15
16 from the primary runoff, correct?	16
17 A. Correct.	17
18 Q. And do you expect that the rejection rate will	18
19 decline further in future elections?	19
20 MS. HOLMES: Objection to form.	20
21 A. We hope so.	21
22 MS. HUNKER: I believe that's all the	22
23 questions I have.	23
24 MS. PAIKOWSKY: Can we go off the record?	24
25 MS. HUNKER: Yes.	25

  

Page 103	Page 105
1 THE REPORTER: Are we done, then?	1 I, JENNIFER COLVIN, have read the foregoing
2 MS. HOLMES: I might have one more question	2 transcript and hereby affix my signature that same is
3 to ask. Let me confirm with my counsel.	3 true and correct, except as noted above on the previous
4 THE REPORTER: You can take us off the	4 pages(s), and that I am signing this before a Notary
5 record.	5 Public
6 THE VIDEOGRAPHER: We are going off the	6 JENNIFER COLVIN
7 record at 3:41 p.m.	7 THE STATE OF )
8 (Recess from 3:41 p.m. to 3:43 p.m.)	8 COUNTY OF )
9 THE VIDEOGRAPHER: We are on the record at	9
10 3:43 p.m.	10 Before me, , on this day
11 MS. HOLMES: No further questions from me.	11 personally appeared, JENNIFER COLVIN, known to me or
12 Thank you.	12 proved to me under oath or through
13 THE WITNESS: Thank you.	13 (description of identity card or other document), to be
14 MS. HUNKER: I think, then, we can dismiss	14 the person whose name is subscribed to the foregoing
15 this witness.	15 instrument and acknowledged to me that they executed the
16 THE VIDEOGRAPHER: All right. We are going	16 same for the purposes and consideration therein
17 off the record on March 21st, 2023, at 3:43 p.m.	17 expressed.
18 (Proceedings adjourned at 3:43 p.m.)	18 Given under my hand and seal of office on this, the
19	19 _____ day of , 2023.
20	20
21	21 Notary Public in and for
22	22 The State of Texas
23	23 Commission Expires: _____
24	24
25	25